

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED: 10/31/11

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SPIN MASTER LTD., : Civil Action No. 08-cv-0923 (RJA) (HKS)

Plaintiff, : (Currently Pending in the United States

-against- : District Court for the Western District of

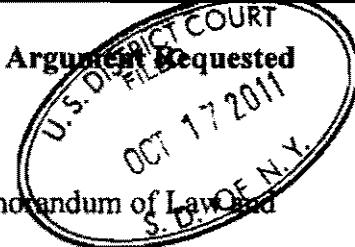
BUREAU VERITAS CONSUMER PRODUCTS : New York)

SERVICES, INC., and EUROFINS PRODUCT : **NOTICE OF MOTION TO QUASH**

SAFETY LABS, INC. : **SUBPOENAS, ISSUE PROTECTIVE**

Defendants. : **ORDER, AND IMPOSE SANCTIONS**

Oral Argument Requested



PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declarations of Daniel P. Goldberg and Dorit Ungar, dated October 14, 2011, and exhibits attached thereto, defendant Eurofins Product Safety Labs, Inc. and its attorneys, non-parties Mr. Goldberg and Ms. Ungar, shall move this Court, at the United States Courthouse, 500 Pearl Street, New York, New York, Courtroom 14D, before the Honorable Alvin K. Hellerstein, assigned Part 1 Judge, at 10AM on November 1, 2011, for an Order pursuant to Rules 26(c) and 45(c)(3) of the Federal Rules of Civil Procedure: i) quashing subpoenas served by plaintiff Spin Master Ltd. ("Spin Master") upon Mr. Goldberg and Ms. Ungar, ii) entering a protective order preventing Spin Master from deposing Mr. Goldberg and Ms. Ungar or obtaining their documents, and iii) imposing sanctions pursuant to Fed. R. Civ. P. 45(c)(1), 28 U.S.C. § 1927, and the inherent powers of the Court, including reasonable attorneys' fees and costs, upon Spin Master and its attorneys for their improper conduct in issuing the subpoenas.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1(a), answering papers, if any, must be served upon the undersigned counsel for the moving parties within seven

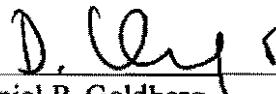
On consent, and subject, of all parties, this motion, with all its papers, is transferred to the U.S.D.C., N.Y., W.D.N.Y., where the case is pending.

10/31/11
Alvin K. Hellerstein

days after service of the moving papers, and all reply papers shall be served within two days after service of the answering papers.

Dated: New York, New York
October 14, 2011

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP

By: 
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